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Although the author has not been altogether just to his predecessors, the reader will recognize that he has made an honest effort to present a "true picture" of the times based upon the information gained from contemporary documents of all parties, and thus attain his ideal, "a candid and free disclosure of all that the records contain." That he has not realized his ideal, is due in large part to his effort either to reveal suppressed facts or to correct traditional errors. By so doing he has failed to pay due regard to perspective and proportion. Nearly two-thirds of the volume is given over to the period down to the Declaration of Independence. The other third suffices to narrate the story of the remaining six years of the war.

The most distinctive feature of the work, occupying more than one-fourth of the volume, is the discussion of General Howe's conduct of the war. The author's justification for this extended treatment lies in the importance he attaches to the charges made against Howe, namely, that his failure to suppress the rebellion was due to his desire to carry out the program of the English Whig party. This evidence, which others are charged as having unwarrantedly suppressed, Mr. Fisher believes to be the key to the proper understanding of the contest. This discussion, together with the presentation of the position, number and persecution of the loyalists during the first years of the controversy, are the most interesting and valuable portions of the work. The text is supplemented by numerous foot-notes to some of the sources used, and is illustrated with twenty-four excellent maps and reproductions of contemporary engravings, prints and paintings.

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*Crime and Social Progress.* By ARTHUR CLEVELAND HALL, Ph. D., Columbia University. *Studies in History, Economics and Public Law.* Pp. xvii, 427. New York: Macmillan Company, 1902.

A great mass of historical and sociological data has been brought together by Dr. Hall, in proof of one central proposition—that an increasing amount of crime, among progressive peoples, is at once an evidence and a cause of advancing civilization. The meaning of this somewhat startling statement of the author is made clear by his definitions and limitations. His preliminary distinctions once grasped, the evidence brought forward from numerous fields—social organization among the higher animals, the study of primitive peoples, of contemporary savage tribes, and of modern civilized nations—leads the mind by inevitable steps to Dr. Hall's conclusion.

Among the most important of these distinctions is that between crime and tort, and that between crime and sin. The origin of crime, it is clearly shown, is not in disobedience to either earthly or spiritual authority, since criminal acts are recognized and punished in low communities wholly without political headship or a conception of God, and even, it seems probable, among certain of the higher animals. Crime is, in short, "any act or omission to act punished by society as a wrong against itself." The meaning of the author's central proposition thus becomes evident: that as a social group

advances in civilization, that is, as it becomes more highly organized as a heterogeneous whole, made up of interdependent parts, it constantly recognizes and punishes as injurious to itself acts which at an earlier stage were deemed harmless or left to private vengeance; that by such punishment the social standard of right action is constantly raised for the benefit of society as a whole, at the expense of her laggard members.

That the punishment of the criminal offender is among savages a spontaneous act of the community as a whole, an act of vengeance, almost reflex in character, resulting from the unanalyzed social experience that his act is inimical to the social welfare, is established by a host of examples dealing with the customs of native tribes of North and South America, Asia and Africa. Similar evidence proves that the three great crimes first developed by these savage peoples are treason, incest and evil witchcraft, the three acts which most threaten the disruption or deterioration of the primitive community, whose existence depends upon its firm union and the vigor and warlike character of its men. Of these three great primitive crimes, Dr. Hall concludes from his evidence that treason was the one first developed, and the test which he applies—that "the antiquity of a crime among low savages must be measured by the intensity of the detestation it awakens in the community, by the rareness of its occurrence and by the sureness and severity of the penalty inflicted"—is perhaps even more interesting than the conclusion reached.

After a brief survey of the criminal and judicial practices of the early Aryan races of Europe, Dr. Hall passes to what forms the central and most impressive body of his evidence—the historical study of the development of crime in England from Anglo-Saxon to modern times. Six chapters out of a total of fifteen are devoted to this subject. The early Teutonic codes of the fifth and sixth centuries are discussed, and the gradual substitution of composition, first permitted, finally compulsory, for personal vengeance, is followed. The first beginnings of true criminal law, as distinguished from these Anglo-Saxon laws of tort, are brought to light, and the gradual transformation of torts into crimes traced out—an advance slow at first and under weak Anglo-Saxon kings constantly subject to setbacks, rapid and comparatively steady under the Normans and Plantagenets, arrested during the feudal conflicts of the fourteenth and fifteenth centuries, again vigorous under the Tudors, proceeding by devious and extraordinary paths through the days of Cavalier and Puritan, steady and energetic, in modern times. Especially forcible are the illustrations of the author's theory furnished by various periods of reaction and lawlessness, notably the reign of Stephen and the period of the Wars of the Roses; since it is during precisely these times, when evil deeds are most common and when society seems too demoralized to punish them, that crime, the act socially punished, is most infrequent. Of very great interest, too, is the record of the emergence of one after another of the crimes which seem to us of the present century most fundamental; the extraordinary distinctions made, for instance, between different forms of theft, secret theft being punished generations before highway robbery was

made a crime; and the amazing slowness with which all attacks upon the person, even murder itself, were recognized as dangerous to society.

In the chapter on modern England and in those which follow, Dr. Hall has the advantage of being able to bring forward definite statistics in support of his theory. Thus by elaborate comparison of the records of criminal proceedings in different countries he shows that in the most progressive European nations, England and Germany leading, the number of criminals has increased during the present century, even more rapidly than the swiftly increasing population. In Spain alone, it seems, with her melancholy history of mis-government, industrial backwardness and lessening prestige among the nations, is there any sign of diminution in the mass of crime.

All these facts, of course, fit perfectly into the author's scheme. Modern industrialism gives opportunities for forms of crime hardly known in earlier centuries, crimes such as fraud, forgery and fraudulent bankruptcy, and necessitates an increasing mass of criminal law. A growing sense of social responsibility and interdependence causes the public to regard more and more acts and omissions to act, once apparently harmless, as dangerous to itself, whence springs a mass of legislation on sanitation, compulsory education, etc. And greater stability of government with greater certainty in the administration of justice, brings an increasing proportion of evildoers of all varieties into the criminal class.

It is thus made clear that crime has increased in the nineteenth century. Dr. Hall's view of the situation is, however, far from pessimistic. For not only is the increase of crime due largely to the enforcement of laws against acts formerly permitted, but a diminution in the number of the more heinous offenders against the older criminal laws shows that social pressure has not proved powerless against crime. We may thus reasonably hope that the social pressure now being brought to bear upon the crimes of fraud most characteristic of the age will in time as greatly diminish the number of criminals of this class as the pressure exerted in the past has diminished the number of perpetrators of crimes of violence.

Only a few of the striking ideas with which Dr. Hall's pages seem are here suggested. Patient and exhaustive research, sound scholarly judgment and an honesty of purpose have united to produce a book of substantial value to criminologists and to all whose interest in social questions leads them to look below the surface of the daily newspaper.

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*History of the Expedition of Captains Lewis and Clark, 1804-1806.* Edited by JAMES K. HOSMER, LL. D. Reprinted from the edition of 1814. 2 Vols. Pp. xxxix, 500; x, 586. Price, \$5.00. Chicago: A. C. McClurg Company. 1902.

The expedition of Lewis and Clark is a new and valuable addition to historical reprints—a reproduction of the Biddle Text of 1814 complete. Dr. Hosmer, the editor, has also made a contribution in the form of an intro-